

OPINION

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

In Re Patrick E. Wallace

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Civil Action No. B-15-037

**MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

The Court is in receipt of four somewhat illegible letters submitted by Patrick E. Wallace. *See* Dkt. Nos. 1-4. The Court instructed the District Clerk's Office to file these letters as a civil action, in an abundance of caution, so that the Court could exam, liberally construe, and formally address each letter. Having examined each letter with a magnifying glass, the undersigned now recommends that the Court dismiss this cause of action because liberal construction of the letters does not reveal a jurisdictional basis for proceeding. The letters do not reveal the nature of the lawsuit Wallace is attempting to bring, or what relief he is seeking. In fact, the letters do not even reveal who Wallace is attempting to sue, if anyone.

Although Wallace states that he is "SEEKING A.U.S. HABEAS CORPUS[.]" his letters have all been mailed from a residential address in Weslaco, Texas. Dkt. No. 4 at 2 (providing an address of "1000 S. NEBRASKA, WESLACO, TEXAS 78596-7514") (errors and capitalization in original). Wallace does not name any identifiable conviction, arrest, or judgment in his letters, and the Court has found

none in his name in the Southern District of Texas.¹ There is, therefore, no evidence that Wallace is currently in any type of federal or state custody. There is also nothing in the record to allow the Court to conclude that Wallace is attempting to attack a prior federal conviction, sentence, or judgment arising out of this Division or District. Accordingly, Wallace has provided the Court with no basis to exercise any form of federal habeas jurisdiction over his letters.

Next, Wallace indicates that he may be attempting to file some sort of appeal. Dkt. No. 4 at 1. Here again, however, his claims are unclear and he has failed to identify the judgment he is attempting to appeal. Instead, he states:

DEAR MAGISTRATE,

I NEED TO APPEAL THE ABSENCE OF FULLY COMMISSIONED U.S. DISTRICT JUDGES, AND THE PROVISION THEREFORE OF JUDGES TO THE SOUTHERN DISTRICT OF TEXAS, IMMEDIATELY — TO THE UNITED STATES COURT OF APPEALS — 5TH CIRCUIT IN NEW ORLEANS NOW. . . . PLEASE DO TAKE NECESSARY ACTION TO ESTABLISH IMMEDIATELY U.S. DISTRICT COURTS (AND JUDICIAL SUPREMECY IN THE SOUTHERN DISTRICT OF TEXAS), IMMEDIATELY AS ESTABLISHED BY THE UNITED STATES CONSTITUTION AND CONSTITUTIONALISM HERE NOW IN SOUTH TEXAS.

Dkt. No. 4 at 1-2 (errors and capitalization in original). Wallace's contentions here do not state a claim or provide the Court with a basis to assert jurisdiction.

Wallace also indicates that he may be attempting to file a civil rights action. He states, "MY BASIC HUMAN RIGHTS ARE VIOLATED. MRS. CLINTON AND

¹ Wallace does state, "I WAS SUBJECT TO U.S. JUDGE RICARDO HINOJOSA MY [illegible] NAME WAS OF, JONES III OF VICTORIA, TEXAS, THE CAUSE NUMBER OF THE ALLEGED U.S. CASE WAS 17027324-7211 FOR MANY YEARS." Dkt. No. 4 at 2 (errors and capitalization in original). However, the Court has conducted a search and found no case or cause number associated with Wallace in any division in the Southern District of Texas.

HER COUNCELLOR LIE IN WAIT FOR ME.” Dkt. No. 1-1 at 2 (errors and capitalization in original). Additionally, he asserts:

PLEASE NOTICE THAT MY CONSTITUTIONAL RIGHTS ARE INDEED AT ISSUE, INCLUDING THE RIGHT OF MOVEMENT, ACCESS (WITHIN THE PROMISED NORM) TO THE SOCIAL SECURITY ADMINISTRATION, AIR + TELEVISION CHANNELS, NOW DENIED, ETC. I AM DEPRIVED OF MY FRIENDS, PERMINANTLY I HAVE BEGUN TO LEARN JUST TONIGHT, BY DESIGN, AND AM STILL ADMINISTERED BY JUDGE HINOJOSA’S PERSONNEL (WHO WERE HIS WITNESSES AGAINST ME) NOW, STILL IN WESLACO. . . . PLEASE NOTICE, NO ONE WANTS TO CLEAR THIS NEIGHBORHOOD WITH IMPEACHED (GUILTY PERSONS, WHO INVENTED A U.S. CASE, AND HAVE INFECTED BOTH THE INSTITUTIONS OF CHURCH AND STATE WITH A DEFERRAL OF RESOLUTION [illegible]

Dkt. No. 2 at 1-2 (errors and capitalization in original).

Wallace’s assertions here and throughout his letters are nonsensical and fail to state any type of claim within the jurisdiction of this Court. *See also* Dkt. No. 3 at 1-2 (“I PROTEST HAVING TO PETITION ON CAMERA SUBJECT TO ROMAN CATHOLIC SADISTIC ABUSE TO NEGLECT E. ELIZABETH ST — ALL I ASK FOR RELIEF FROM BISHOP FLORES, J.J. BERNAL, GREGORY ABBOTT . . .”); *id.* at 2 (“MY CONDITION IS NOT ALLEVIATED EXCEPT BY GROCERIES”) (errors and capitalization in original). Thus, the undersigned recommends that the Court dismiss this action.

NOTICE TO PARTIES

A party’s failure to file written objections to the proposed findings, conclusions, and recommendation in a magistrate judge’s report and

recommendation within 14 days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court, provided that the party has been served with notice that such consequences will result from a failure to object. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996).

Signed on this 27th day of February, 2015.



Ignacio Torteya, III
United States Magistrate Judge